

REMARKS

The Application has been reviewed in light of the Office Action mailed April 10, 2003. At the time of the Office Action, Claims 1-14, 16, 18, 19, and 21-24 were pending in this Application. The Examiner has rejected Claims 1-14, 16, 18, 19, and 21-24 under 35 U.S.C. §103(a). Pursuant to a telephone conversation with the Examiner, the Examiner stated that Claims 1-14, 16, 18, 19, and 21-24 are being rejected only under 35 U.S.C. §103(a) and not §102(a) as reflected in paragraph 3, page 2 of the Office Action. Claims 1 to 24 have been cancelled. New Claims 25-43 have been added. No new matter is presented in these claims. Applicants respectfully request reconsideration and favorable action in this case.

Rejections under 35 U.S.C. § 103

Claims 1-14, 16, 18-19, and 21-24 were rejected by the Examiner under 35 U.S.C. § 103(a) unpatentable over U.S. Patent No. 6,202,051 issued to Thomas G. Woolston (hereafter "Woolston") in view of U.S. Patent Application Publication 2002/0029181 filed by Michael R. Miller et al. (hereafter "Miller"). Applicants respectfully traverse and submit that currently pending claims 25-43 are not obvious in light of these two references.

Specifically, Claim 25 and all claims dependent thereon (claims 26-30) are not obvious because the references alone and in combination fail to contain any disclosure of the receipt of one or more characteristics at a computer system from a manufacturer coupled with modification of those characteristics. Further neither reference provides any description of using updating information obtained with a manufacturer to produce a description of an item for an online auction. In fact, Miller fails to provide any suggestion that information received from a manufacturer be updated in any manner. Woolston fails to provide for receipt of information from a manufacturer. All information in the Woolston reference is provided by a seller.

Additionally, Claim 31 and all claims dependent thereon (Claims 32-39) are not obvious for the reasons set forth with respect to Claim 25 and for additional reasons. For example, neither reference teaches or suggests any comparison of two items to determine whether parts of one are re-useable in, or compatible or interchangeable with the other. Further, both references fail to teach or suggests any such comparison based upon information received from a manufacturer or seller.

Claims 40 and dependent claim 41 are not obvious in light of Woolston and Miller because neither reference suggests the use of a programmed computer to modify unique

information received from a manufacturer. As explained above in reference to Claim 25, the references also fail to teach any modification of information received from a manufacturer.

Claim 42 and dependent claim 43 are not obvious in light of Woolston and Miller because neither reference suggests the use of a programmed computer to compare anything. Also as explained above in reference to Claim 31, the references fail to teach the comparison of two items to locate re-useable, compatible or interchangeable parts.


CONCLUSION

For the foregoing reasons, Applicants request that Claims 25-43 be allowed. Early and favorable acceptance of this application is respectfully requested.

Applicants believe no fee is due with this timely response. The Commissioner is hereby authorized to charge any fees or credit any overpayment to Deposit Account No. 02-0383 of Baker Botts L.L.P.

Respectfully submitted,

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